

1/2m AF

PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 09/782,067

Filing Date February 12, 2001

First Named Inventor Manowitz

Art Unit 2612

Examiner Name Jerabek, K.

Attorney Docket Number 50P3840.01

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Redwood Patent Law		
Signature			
Printed name	Gregory J. Koerner		
Date	5/14/09	Reg. No.	38,519

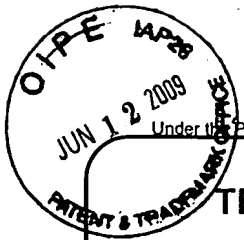
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Gregory J. Koerner	Date	6/10/09

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/782,067
Filing Date	February 12, 2001
First Named Inventor	Manowitz
Art Unit	2612
Examiner Name	Jerabek, K.
Attorney Docket Number	50P3840.01

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Redwood Patent Law		
Signature			
Printed name	Gregory J. Koerner		
Date	5/14/09	Reg. No.	38,519

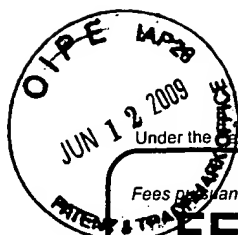
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Gregory J. Koerner	Date	6/10/09

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/17 (05-07)

Approved for use through 05/31/2007. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2007

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 540

Complete if Known

Application Number 09/782,067

Filing Date February 12, 2001

First Named Inventor Manowitz

Examiner Name Jerabek, K.

Art Unit 2612

Attorney Docket No. 50P3840.01

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 50-3367 Deposit Account Name: Redwood Patent Law

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)
50Small Entity Fee (\$)
25

Each independent claim over 3 (including Reissues)

200

100

Multiple dependent claims

360

180

Total Claims**Extra Claims****Fee (\$)****Fee Paid (\$)**

- 20 or HP =

x

=

Multiple Dependent Claims**Fee (\$)****Fee Paid (\$)**

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims**Extra Claims****Fee (\$)****Fee Paid (\$)**

- 3 or HP =

x

=

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets**Extra Sheets****Number of each additional 50 or fraction thereof****Fee (\$)****Fee Paid (\$)**

- 100 =

/ 50 =

(round up to a whole number) x

=

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): Appeal Brief Filing Fee

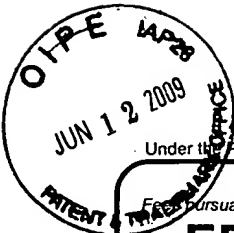
\$540

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 38,519	Telephone 650-358-4000
Name (Print/Type)	Gregory J. Koerner	Date	5/17/09

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004.

Enacted pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2007☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 540

Complete if Known

Application Number	09/782,067
Filing Date	February 12, 2001
First Named Inventor	Manowitz
Examiner Name	Jerabek, K.
Art Unit	2612
Attorney Docket No.	50P3840.01

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 50-3367 Deposit Account Name: Redwood Patent Law

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

200	100
-----	-----

Multiple dependent claims

360	180
-----	-----

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
--------------	--------------	----------	---------------

- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
---------------	--------------	----------	---------------

- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims

Fee (\$)	Fee Paid (\$)
----------	---------------

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
--------------	--------------	--	----------	---------------

- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)Other (e.g., late filing surcharge): Appeal Brief Filing Fee\$540**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 38,519	Telephone 650-358-4000
Name (Print/Type)	Gregory J. Koerner	Date	5/19/09

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**


APPLICANT(S): Neal Manowitz
APP. NO.: 09/782,067
FILED: February 12, 2001
TITLE: Methods And Systems For Exchanging Content
(as amended) Between A Camera And A Selected Remote Storage Device
EXAMINER: Jerabek, K.
ART UNIT: 2612
ATTY DKT NO: 50P3840.01

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date printed below:

Dated: _____

6/8/09


Gregory J. Koerner

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

The following Appeal Brief is submitted in an appeal from the Final Office Action of January 22, 2009 in the above-referenced Patent Application.

(1) Real parties in interest

The real parties in interest in the above-referenced patent application are Sony Corporation, a Japanese corporation with offices in Tokyo, Japan, and Sony Electronics Inc., a Delaware corporation with offices in New Jersey.

(2) Related appeals and interferences

Appellants previously filed an Appeal Brief in the present Application in response to a prior Final Office Action mailed on March 16, 2006. In the Decision on Appeal, the Examiner's rejections were reversed. To the present knowledge of Appellants' legal representative, there are currently no related appeals or interference proceedings in progress which will directly affect, or be directly affected by, or have a bearing on the Board's decision in the present Appeal.

(3) Status of Claims

Claims 1-21 stand rejected under 35 U.S.C. § 103(a). The rejections of claims 1-21 are being appealed.

(4) Status of Amendments

On January 22, 2009, a Final Office Action in the present Application was mailed to Applicants' Representative. In response, Applicants filed an Amendment after Final on March 17, 2009. In the subsequent Advisory Action mailed on April 2, 2009, the Examiner refused to enter the Amendment after Final. Accordingly, the Applicants filed a Notice of Appeal in the present Application on April 24, 2009.

(5) Summary of Claimed Subject Matter

In accordance with one embodiment of the present invention, a digital camera system includes a digital camera 220, a predetermined remote location 250, a camera distributor 210, and an advertiser 270. The digital camera 220 is configured to exclusively and automatically connect to the predetermined remote location 250 to upload image data to the predetermined remote location 250, and to download advertising data from the predetermined remote location 250.

The digital camera 220 is also configured to display the advertising data, and utilizes the predetermined remote location 250 as the sole means for distributing the image data. The advertiser 270 compensates the camera distributor 210 and the owner of the predetermined remote location 250 based upon the advertising data which is viewed by the camera user. In turn, the camera distributor 210 is able to reduce the cost of the digital camera 220 to the camera user.

Independent claim 1 recites a “digital camera” that communicates “exclusively” with a “remote storage location.” The foregoing subject matter is discussed in the Specification, for example, at page 6, lines 4-14 (FIG. 2). Claim also recites that the digital camera is “physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location.” The foregoing subject matter is discussed in the Specification, for example, at page 6, lines 6-15.

Independent claim 5 recites an “exclusive” type of “uploading” and “downloading” between a “digital camera” and a “remote location.” The foregoing subject matter is discussed in the Specification, for example, at page 6, lines 4-14 (FIG. 2). Claim 5 further recites “said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location.” The foregoing subject matter is discussed in the Specification, for example, at page 6, lines 12-15.

Independent claim 9 recites an “interface” that bi-directionally transfers information between a “buffer” and an “exclusive and predetermined remote location.” The foregoing subject matter is discussed in the Specification, for example, at page 6, lines 4-14. Claim 9 further recites “said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location.” The foregoing subject matter is discussed in the Specification, for example, at page

6, lines 12-15.

(6) Grounds Of Rejection To Be Reviewed Upon Appeal

Whether claims 1-21 are unpatentable over U.S. Patent Publication No US 2002/0041329 to Steinberg in view of U.S. Patent No. 6,396,537 to Squilla et al. and further in view of U.S. Patent No. 6,442,529 to Krishnan et al.

(7) Argument

I. 35 U.S.C. § 103(a)

On page 11 of the Final Office Action, the Examiner rejects claims 1-21 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. US 2002/0041329 to Steinberg (hereafter Steinberg) in view of U.S. Patent No. 6,396,537 to Squilla et al. (hereafter Squilla) and further in view of U.S. Patent No. 6,442,529 to Krishnan et al. (hereafter Krishnan). The Applicants respectfully traverse the rejections of claims 1-21 for at least the following reasons.

(A). Claims 1, 2, 3, and 4

Regarding the Examiner's rejection of independent claim 1, Applicants submit that claim 1 recites limitations that are not taught or suggested either by the cited references, or by the Examiner's citations thereto. For example, claim 1 explicitly recites "*a digital camera configured to send the image data*

exclusively to the remote storage device and to receive advertising data exclusively from the remote storage device, said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location” (emphasis added).

Steinberg essentially teaches a “messaging center” that sends various types of messages to a camera for display to a camera user (see Abstract). However, Steinberg also teaches that the camera can interface with “a programmable card” to exchange information “from the network through a computer 40 connected to the network by cables” (see paragraph 0033). Applicants submit that the camera of Steinberg may also readily receive information from computer 40 that was obtained from sources other than the messaging center.

In addition, the camera of Steinberg may also receive information from transceiver 18 that is transmitted to the “network” from sources other than the messaging center. Therefore, since the camera of Steinberg clearly communicates with computer 40, Applicants submit that Steinberg fails to disclose “*said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location,*” as claimed by Applicants.

On page 12-13 of the Office Action, the Examiner concedes that Steinberg “fails to specifically state that the digital camera is configured to send image data captured by the camera to the remote storage device. Applicants

concur. The Examiner then points to Squilla to purportedly remedy these deficiencies. Applicants respectfully traverse.

Squilla teaches sending content information related to a visual attraction to a camera (either film or digital) based upon “user personality data.”

However, no advertising information is transferred in Squilla. In addition, Squilla only tangentially mentions capturing image data, and transferring the image data does not trigger downloads of the content information to the camera, as disclosed and claimed by Applicants.

Furthermore, communications to and from the camera of Squilla are not “exclusive,” as claimed by Applicants (see Fig. 2). Therefore, Squilla fails to teach “*said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location,*” as claimed by Applicants.

On page 14 of the Office Action, the Examiner explicitly concedes that the combination of Steinberg and Squilla “fails to distinctly state that the digital camera is physically incapable of communicating, either directly or indirectly, with any electronic devices other than the exclusive and predetermined location.” Applicants concur. The Examiner then points to Krishan to purportedly remedy these defects. Applicants respectfully traverse.

Krishan teaches advertisers subsidizing Internet access through “mini-portal devices” (see column 3, lines 38-45). However, Krishan explicitly teaches variously communicating with a “validation server”, an “advertisement

server”, a “content server”, and a “statistics server” (see column 4, lines 7-37). Applicants therefore submit that none of the cited references teach “*said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location*”, as claimed by Applicants. For at least the foregoing reasons, Applicant submit that independent claim 1 is not unpatenable over the cited references.

Regarding the Examiner’s rejection of dependent claims 2, 3 and 4, for at least the reasons that these claims are dependent from an independent claim whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the independent claim, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 2, 3 and 4, so that these claims may issue in a timely manner.

(B). Claims 5, 6-8, 12, 1, and 18

Regarding the Examiner’s rejection of independent claim 5, Applicants submit that claim 5 recites limitations that are not taught or suggested either by the cited references, or by the Examiner’s citations thereto. For example, claim 5 explicitly recites “uploading image data from a digital camera **solely** to an exclusive and predetermined remote location,” and “downloading advertising data **solely** from the exclusive and predetermined remote location to the digital camera, said digital camera being **physically incapable** of communicating,

either directly or indirectly, with any external device other than said exclusive and remote location” (emphasis added).

Steinberg essentially teaches a “messaging center” that sends various types of messages to a camera for display to a camera user (see Abstract). However, Steinberg also teaches that the camera can interface with “a programmable card” to exchange information “from the network through a computer 40 connected to the network by cables” (see paragraph 0033). Applicants submit that the camera of Steinberg may also readily receive information from computer 40 that was obtained from sources other than the messaging center.

In addition, the camera of Steinberg may also receive information from transceiver 18 that is transmitted to the “network” from sources other than the messaging center. Therefore, since the camera of Steinberg clearly communicates with computer 40, Applicants submit that Steinberg fails to disclose “*said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location,*” as claimed by Applicants.

On page 12-13 of the Office Action, the Examiner concedes that Steinberg “fails to specifically state that the digital camera is configured to send image data captured by the camera to the remote storage device. Applicants concur. The Examiner then points to Squilla to purportedly remedy these deficiencies. Applicants respectfully traverse.

Squilla teaches sending content information related to a visual attraction to a camera (either film or digital) based upon “user personality data.”

However, no advertising information is transferred in Squilla. In addition, Squilla only tangentially mentions capturing image data, and transferring the image data does not trigger downloads of the content information to the camera, as disclosed and claimed by Applicants.

Furthermore, communications to and from the camera of Squilla are not “exclusive,” as claimed by Applicants (see Fig. 2). Therefore, Squilla fails to teach “*said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location,*” as claimed by Applicants.

On page 14 of the Office Action, the Examiner explicitly concedes that the combination of Steinberg and Squilla “fails to distinctly state that the digital camera is physically incapable of communicating, either directly or indirectly, with any electronic devices other than the exclusive and predetermined location.” Applicants concur. The Examiner then points to Krishan to purportedly remedy these defects. Applicants respectfully traverse.

Krishan teaches advertisers subsidizing Internet access through “mini-portal devices” (see column 3, lines 38-45). However, Krishan explicitly teaches variously communicating with a “validation server”, an “advertisement server”, a “content server”, and a “statistics server” (see column 4, lines 7-37). Applicants therefore submit that none of the cited references teach “*said digital*

camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location”, as claimed by Applicants. For at least the foregoing reasons, Applicant submit that independent claim 5 is not unpatenable over the cited references.

Regarding the Examiner’s rejection of dependent claims 6-8, 12, 17, and 18, for at least the reasons that these claims are dependent from an independent claim whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the independent claim, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 6-8, 12, 17, and 18, so that these claims may issue in a timely manner.

For at least the foregoing reasons, the Applicants submit that claims 5-8, 12, and 17-18 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration of the rejections of claims 5-8, 12, and 17-18 under 35 U.S.C. § 103.

(C) Dependent Claim 13

On page 27 of the Office Action, the Examiner cites Krishnan in support of the rejection of claim 13 which explicitly recites “*said digital camera displaying said advertising data in an automatic manner, a device user of said*

digital being unable to prevent said displaying” (emphasis added). However, Krishnan explicitly states that “[u]sers who object to receiving advertising material . . . may opt out . . .” (see column 6, lines 65-66). Krishnan therefore teaches that users are able to prevent displaying of the advertising if they choose. For at least the foregoing reasons, Applicants respectfully request reconsideration of the rejection of claim 13.

(D) Dependent Claim 14

On page 27 of the Office Action, the Examiner cites Krishnan in support of the rejection of claim 14 which explicitly recites “*a distributor of said digital camera administers and maintains said exclusive and predetermined remote location*” (emphasis added). In contrast, Krishnan is limited to teaching a “portal provider 20” of “mini-portals.” Applicants submit that Krishnan nowhere discloses a “*distributor of said digital camera,*” as claimed by Applicants. For at least the foregoing reasons, Applicants respectfully request reconsideration of the rejection of claim 14.

(E) Dependent Claim 15

With regard to the rejection of dependent claim 15 on page 28 of the Office Action, Applicants submit that none of the cited references disclose or mention any sort of “*combined download/upload request*”, as claimed by Applicants. The claimed “combined download/upload request” is described in

detail in conjunction with the discussion FIG. 4 of Applicants' Specification.

The Applicants therefore respectfully request reconsideration and withdrawal of the rejection of claim 15 under 35 U.S.C. § 103.

(F) Dependent Claim 16

With regard to the rejection of dependent claim 16 on page 28 of the Office Action, the Examiner states that "Krishnan also states that validation stamps are periodically sent" (emphasis added). In contrast, Applicants recite a "*combined download/upload request occurring at predetermined regular intervals.*" Applicants submit that sending validation stamps "periodically" does not necessarily mean that the validations stamps are sent at "predetermined regular intervals," as claimed by Applicants. For example, sending validation stamps "periodically" could readily occur at intervals that were neither "predetermined" nor "regular." The Applicants therefore respectfully request reconsideration and withdrawal of the rejection of claim 16 under 35 U.S.C. § 103.

(G) Dependent Claim 19

With regard to the rejection of dependent claim 19 on page 29 of the Office Action, Applicants submit that none of the cited references disclose or mention a protocol in which "*downloading of said advertising data is triggered by said uploading image data,*" as claimed by Applicants. The foregoing claimed

upload/download technique is described in Applicants' Specification at page 9, line1-3. The Applicants therefore respectfully request reconsideration and withdrawal of the rejection of claim 19 under 35 U.S.C. § 103.

(H) Dependent Claim 20

With regard to the rejection of dependent claim 20 on page 29 of the Office Action, Applicants submit that none of the cited references disclose or mention "*an advertiser compensates **both** said exclusive and remote location and a distributor of said digital camera for downloading said advertising*" (emphasis added), as claimed by Applicants. The foregoing claimed limitations are described in Applicants' Specification at page 6, line 20-22. The Applicants therefore respectfully request reconsideration and withdrawal of the rejection of claim 20 under 35 U.S.C. § 103.

(I) Dependent Claim 21

With regard to the rejection of dependent claim 21 on page 29 of the Office Action, Applicants submit that none of the cited references disclose or mention a protocol in which "*said camera obtains said image data back from said exclusive and predetermined location in a reverse transfer operation for viewing by a camera user after said uploading has occurred,*" as claimed by Applicants. The foregoing claimed "reverse transfer operation" is described in Applicants' Specification at page 8, line14-15. The Applicants therefore

respectfully request reconsideration and withdrawal of the rejection of claim 21 under 35 U.S.C. § 103.

(J). Claims 9-11

Regarding the Examiner's rejection of independent claim 9, Applicants submit that claim 9 recites limitations that are not taught or suggested either by the cited references, or by the Examiner's citations thereto. For example, claim 9 explicitly recites "*said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location*" (emphasis added).

Steinberg essentially teaches a "messaging center" that sends various types of messages to a camera for display to a camera user (see Abstract). However, Steinberg also teaches that the camera can interface with "a programmable card" to exchange information "from the network through a computer 40 connected to the network by cables" (see paragraph 0033). Applicants submit that the camera of Steinberg may also readily receive information from computer 40 that was obtained from sources other than the messaging center.

In addition, the camera of Steinberg may also receive information from transceiver 18 that is transmitted to the "network" from sources other than the messaging center. Therefore, since the camera of Steinberg clearly communicates with computer 40, Applicants submit that Steinberg fails to

disclose “*said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location,*” as claimed by Applicants.

On page 12-13 of the Office Action, the Examiner concedes that Steinberg “fails to specifically state that the digital camera is configured to send image data captured by the camera to the remote storage device. Applicants concur. The Examiner then points to Squilla to purportedly remedy these deficiencies. Applicants respectfully traverse.

Squilla teaches sending content information related to a visual attraction to a camera (either film or digital) based upon “user personality data.” However, no advertising information is transferred in Squilla. In addition, Squilla only tangentially mentions capturing image data, and transferring the image data does not trigger downloads of the content information to the camera, as disclosed and claimed by Applicants.

Furthermore, communications to and from the camera of Squilla are not “exclusive,” as claimed by Applicants (see Fig. 2). Therefore, Squilla fails to teach “*said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location,*” as claimed by Applicants.

On page 14 of the Office Action, the Examiner explicitly concedes that the combination of Steinberg and Squilla “fails to distinctly state that the digital camera is physically incapable of communicating, either directly or

indirectly, with any electronic devices other than the exclusive and predetermined location.” Applicants concur. The Examiner then points to Krishan to purportedly remedy these defects. Applicants respectfully traverse.

Krishan teaches advertisers subsidizing Internet access through “mini-portal devices” (see column 3, lines 38-45). However, Krishan explicitly teaches variously communicating with a “validation server”, an “advertisement server”, a “content server”, and a “statistics server” (see column 4, lines 7-37). Applicants therefore submit that none of the cited references teach “*said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location*”, as claimed by Applicants. For at least the foregoing reasons, Applicant submit that independent claim 9 is not unpatenable over the cited references.

Regarding the Examiner’s rejection of dependent claims 10 and 11, for at least the reasons that these claims are dependent from an independent claim whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the independent claim, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 10 and 11, so that these claims may issue in a timely manner.

For all of the foregoing reasons, the Applicants submit that claims 1-21 are not unpatentable under 35 U.S.C. § 103 over Steinberg in view of Squilla

and Krishnan, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 1-21 under 35 U.S.C. § 103.

SUMMARY

For all the foregoing reasons, it is earnestly and respectfully requested that the Board of Patent Appeals and Interferences reverse the rejections of claims 1-21, so that the present Application may be allowed and pass to issue in a timely manner.

Respectfully Submitted,

Manowitz et al.

Date: _____

5/14/09

By: _____



Gregory J. Koerner, Esq.
Registration No. 38,519
Redwood Patent Law
1291 East Hillsdale Boulevard, Suite 205
Foster City, California 94404
(650) 358-4000

(8) Claims Appendix

1. A system for transmitting image data comprising:
a remote storage device for receiving image data; and
a digital camera configured to send the image data exclusively to the
remote storage device and to receive advertising data exclusively
from the remote storage device, said digital camera being
physically incapable of communicating, either directly or indirectly,
with any external device other than said exclusive and remote
location.
2. The system according to Claim 1 wherein the digital camera further
comprises a sensor for forming the image data.
3. The system according to Claim 1 wherein the digital camera further
comprises a local storage device for storing the image data and the advertising
data from the remote storage device.
4. The system according to Claim 3 wherein the digital camera further
comprises a display device for viewing the image data and the advertising data.

5. A method of communicating between a digital camera and a predetermined remote location comprising:
 - uploading image data from a digital camera solely to an exclusive and predetermined remote location;
 - downloading advertising data solely from the exclusive and predetermined remote location to the digital camera, said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location; and
 - displaying the advertising data on the digital camera.
6. The method according to Claim 5 further comprising an advertiser compensating a distributor based on the advertising data downloaded by the digital camera.
7. The method according to Claim 5 further comprising a distributor selling the digital camera to a user at a discount based on the advertising data downloaded by the digital camera.
8. The method according to Claim 5 wherein uploading the image data occurs only at the exclusive and predetermined remote location.

9. A digital camera comprising:
a buffer for receiving image data and advertising data;
an interface connected to the buffer configured to upload the image data from the digital camera to an exclusive and predetermined remote location and to download the advertising data from the exclusive and predetermined remote location to the digital camera; and
a display connected to the buffer for viewing the advertising data, said digital camera being physically incapable of communicating, either directly or indirectly, with any external device other than said exclusive and remote location.
10. The digital camera according to Claim 9 further comprising a sensor connected to the buffer for forming the image data.
11. The digital camera according to Claim 9 wherein the interface is configured to automatically connect with the exclusive and predetermined remote location for uploading the image data and downloading the advertisement data.
12. The method of claim 5 wherein said digital camera is unable to exchange electronic information with any electronic devices except for said exclusive and predetermined remote location.
13. The method of claim 5 wherein a distributor of said digital camera implements functional characteristics of said uploading, said downloading and said displaying, said remote location pushing said advertising data to said digital camera, said digital camera displaying said advertising data in an automatic manner, a device user of said digital being unable to prevent said displaying.

14. The method of claim 5 wherein a distributor of said digital camera administers and maintains said exclusive and predetermined remote location.
15. The method of claim 5 wherein a combined download/upload request triggers said uploading and said downloading.
16. The method of claim 5 wherein a combined download/upload request triggers said uploading and said downloading, said combined download/upload request occurring at predetermined regular intervals.
17. The method of claim 5 wherein one or more advertisers compensate a distributor of said digital camera for said downloading and said displaying of said advertising data, said distributor responsively providing said digital camera to a device user without charging any purchase price.
18. The method of claim 5 wherein a purchase price of said digital camera is reduced by a compensation amount provided from one or more advertisers to a distributor of said digital camera, said compensation amount being provided in exchange for said distributor implementing said digital camera to automatically perform said downloading and said displaying.
19. The method of claim 5 wherein said downloading of said advertising data is triggered by said uploading image data.
20. The method of claim 5 wherein an advertiser compensates both said exclusive and remote location and a distributor of said digital camera for downloading said advertising.

21. The method of claim 5 wherein said camera obtains said image data back from said exclusive and predetermined location in a reverse transfer operation for viewing by a camera user after said uploading has occurred.

(9) Evidence Appendix:

None.

(10) Related Proceedings Appendix:

None.